

From: [Bragan, Mary Jo](#)
To: [Dromgoole, Ahmad](#); [Castillo, Jairo](#)
Cc: [Bragan, Mary Jo](#)
Subject: FW: Request to Take Emergency Action to Address Environmental Disaster at New Wales Phosphogypsum Waste Stack
Date: Monday, August 1, 2022 2:10:21 PM
Attachments: [Group Letter to EPA on New Wales Stack.pdf](#)

FYI. Craig mentioned the seismic activity today on our Weekly WD coordinations. Not sure the status but wanted to put you in the loop that a RCRA ISE order may be issued. I don't think this is something to share outside of ECAD at this time.

From: Bingham, Kimberly <Bingham.Kimberly@epa.gov>
Sent: Friday, July 22, 2022 3:17 PM
To: Bragan, Mary Jo <Bragan.Maryjo@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>
Subject: FW: Request to Take Emergency Action to Address Environmental Disaster at New Wales Phosphogypsum Waste Stack

Hi Mary Jo,

I am looping you into this discussion. See attached.

Regards,
Kimberly

Kimberly L. Bingham, MPH | Chief, Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division | U.S. Environmental Protection Agency Region 4
61 Forsyth Street, SW Atlanta, Georgia 30303 | Voice: **404-562-9038** | Email: bingham.kimberly@epa.gov

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From: Kemker, Carol <Kemker.Carol@epa.gov>
Sent: Friday, July 22, 2022 3:04 PM
To: Lamberth, Larry <Lamberth.Larry@epa.gov>; Newman, Keriema <Newman.Keriema@epa.gov>; Bingham, Kimberly <Bingham.Kimberly@epa.gov>; Chavez, Araceli <Chavez.Araceli@epa.gov>
Subject: Fwd: Request to Take Emergency Action to Address Environmental Disaster at New Wales Phosphogypsum Waste Stack

Let's talk through options with ORC before briefing Larry.

Sent from my iPhone

Begin forwarded message:

From: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Date: July 22, 2022 at 2:54:28 PM EDT
To: "Kemker, Carol" <Kemker.Carol@epa.gov>, "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>
Cc: "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Saenz, Diana" <Saenz.Diana@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Denton, Loren" <Denton.Loren@epa.gov>, "Shiffman, Cari" <Shiffman.Cari@epa.gov>, "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Davies, Lynne" <Davies.Lynne@epa.gov>
Subject: FW: Request to Take Emergency Action to Address Environmental Disaster at New Wales Phosphogypsum Waste Stack

Carol, Leif, Suzanne –

Larry wanted us to be sure that you have the attached request for a RCRA ISE order to address the New Wales phosphogypsum stack.

As I mentioned on yesterday's DOJ-ORC call, Kate Konschnik asked to meet to discuss the mineral processing cases. We will work with Larry's scheduler to get that on the calendar for some time in August. Diana or Lynne will be in touch to discuss details. Given this petition and the recent lodging of PCS Geismar, it would be good to talk soon about how we wrap up the remaining cases.

Rosemarie

Rosemarie Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014 (rings to cell)
202-731-0836 (cell)

OECA strives to be a diverse, welcoming, and inclusive workplace. Our success will require all of us to work together as we continue our Diversity, Equity, Inclusion and Accessibility Program's implementation.

Begin forwarded message:

From: "J.W. Glass" <jwglass@biologicaldiversity.org>
Date: July 21, 2022 at 8:11:13 PM GMT+2
To: "Regan, Michael" <Regan.Michael@epa.gov>, "Fox, Radhika" <Fox.Radhika@epa.gov>, "Waterhouse, Carlton" <Waterhouse.Carlton@epa.gov>
Cc: "Tejada, Matthew" <Tejada.Matthew@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Subject: Request to Take Emergency Action to Address Environmental

Disaster at New Wales Phosphogypsum Waste Stack

Dear Administrator Regan, Asst. Administrator Fox, Dept. Asst.
Administrator Waterhouse,

Please see the attached letter requesting that you use your emergency powers and take immediate action to address the issues at the New Wales phosphogypsum stack. This request is signed by 10 environmental justice and conservation groups to include The Center for Biological Diversity, RISE St. James, Cherokee Concerned Citizens, People for Protecting Peace River, Portneuf Resource Council, Florida Conservation Voters, ManaSota-88, Inc., Tampa Bay Waterkeeper, Kissimmee Waterkeeper, and Sierra Club Florida.

Since the EPA failed to veto a permit to expand this waste stack last year, seismic activity has halted construction while a potential liner tear could result in an unknown quantity of acidic water released into the aquifer. Construction could recommence at any time, and to prevent another environmental catastrophe all too commonly associated with these stacks, the EPA must utilize its emergency powers under Section 7003 of RCRA or Section 504 of the CWA to halt reckless expansion activities. We appreciate that the EPA's Office of Water has kept us apprised on steps taken to ensure clean water, and we appreciated having the Office of Land and Emergency Management hear our concerns, but since phosphogypsum still evades rigorous regulation as part of the Bevill exemption, the EPA must take concrete steps in response to pollutant threats to ensure that communities across have access to clean drinking water.

Thank you for your consideration of this request, and please do not hesitate to contact me if you have any questions.

Respectfully Submitted,
J.W. Glass

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J.W. Glass
EPA Policy Specialist
Center for Biological Diversity
813-833-5301
jwglass@biologicaldiversity.org

cbd



